

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PENNY L RUSSELL,

Plaintiff,

V.

**COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

Case No. C23-5690 RSM

## **ORDER DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS**

Plaintiff Penny L. Russell applies to proceed *in forma pauperis* (IFP) for an action seeking judicial review of the administration denying Plaintiff's application for Social Security benefits. Dkt. 3. For the reasons discussed below, the Court DENIES Plaintiff's IFP application.

The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigence. See 28 U.S.C. § 1915(a). “To qualify for *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the claims he or she seeks to pursue are not frivolous.” *Ogunsalu v. Nair*, 117 F. App’x 522, 523 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant must show that he or she “cannot because of his poverty pay or give security for the costs and still be able to provide himself and dependents with the necessities of life.” *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal alterations omitted).

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1 Plaintiff has not shown that she is unable to pay the full filing fee to proceed with this  
2 lawsuit. Plaintiff reports her spouse's net monthly salary is \$3,048 and lists monthly expenses of  
3 \$2,110 along with monthly tax payments averaging approximately \$583. Dkt. 3 at 1–2. Plaintiff  
4 also reports that she and her spouse have received a total of \$19,535 in the past twelve months  
5 from various sources, and their assets include a house and two cars totaling \$400,000. *Id.*

6 The purpose of IFP statutes is to provide indigent litigants access to court, not to  
7 subsidize litigants who have ample resources to cover the \$402.00 filing fee. Plaintiff has failed  
8 to demonstrate that she "cannot because of [her] poverty pay or give security for the costs and  
9 still be able to provide [herself] . . . with the necessities of life." *See Adkins*, 335 U.S. at 339  
10 (internal alterations omitted).

11 Accordingly, the Court DENIES Plaintiff's IFP application. Plaintiff has 30 days from  
12 the date of this order to pay the full \$402.00 filing fee. If the Court does not receive the filing  
13 fee within 30 days, the Court will dismiss this action without prejudice.

14 DATED this 8th day of August, 2023.

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18 Ricardo S. Martinez  
United States District Judge  
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